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Attorneys for Defendants

MEDTRONIC, INC.,

MEDTRONIC USA, INC.,

MEDTRONIC PUERTO RICO OPERATIONS, CO., and

MEDTRONIC LOGISTICS, LLC

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA**

NANCY KILMER

Plaintiff,

v.

MEDTRONIC, INC., MEDTRONIC USA,
INC.; MEDTRONIC PUERTO RICO
OPERATIONS, CO., and, MEDTRONIC
LOGISTICS, LLC,

Defendants.

Case No.: 1:20-CV-01277-AWI-HBK

**JOINT STIPULATION AND [PROPOSED]
ORDER TO CONTINUE DECEMBER 14,
2020 HEARING ON DEFENDANTS'
MOTION TO DISMISS COMPLAINT**

Assigned to Hon. Anthony W. Ishii

1 Plaintiff Nancy Kilmer and Defendants Medtronic, Inc., Medtronic USA, Inc., Medtronic Puerto
2 Rico Operations Co., and Medtronic Logistics, LLC (“Medtronic”) (collectively, the “Parties”), by and
3 through their respective attorneys of record, hereby submit the following Joint Stipulation to the Court:

4 **WHEREAS**, Plaintiff filed her Complaint on September 8, 2020 (Dkt. 1);

5 **WHEREAS**, at Plaintiff’s request, Medtronic executed waivers of service, which were filed on
6 October 6, 2020 (Dkts. 5-9). Medtronic’s responsive pleading deadline was November 9, 2020;

7 **WHEREAS**, Medtronic filed and served its Motion to Dismiss Plaintiff’s Complaint (Dkt. 14) on
8 November 9, 2020, and noticed the hearing on the Motion for December 14, 2020;

9 **WHEREAS**, Plaintiff timely filed her opposition brief on November 30, 2020 (Dkt. 20);

10 **WHEREAS**, Medtronic’s reply brief is due December 7, 2020;

11 **WHEREAS**, due to unforeseen scheduling conflicts, Medtronic’s counsel is unavailable to attend
12 the hearing on Medtronic’s Motion to Dismiss, which is currently set for December 14, 2020 at 1:30 p.m.;

13 **WHEREAS**, the Parties have conferred and agree to continue the hearing from December 14, 2020
14 to either January 25, 2021, or if that date is not preferred by the Court, to January 11, 2021;

15 **WHEREAS**, the Parties further agree that Medtronic’s reply brief will be filed and served on or
16 before December 14, 2020; and

17 **WHEREAS**, there have been no prior continuances requested by either Party in this litigation.

18 **NOW, THEREFORE**, the Parties agree and request that the hearing on Medtronic’s Motion to
19 Dismiss be continued to January 11, 2021 or January 25, 2021, with Medtronic’s reply brief to be filed and
20 served on or before December 14, 2020. The Parties also agree that, should either of the proposed hearing
21 dates be inconvenient or unacceptable for any reason, the Court has the discretion to set other dates which
22 are more convenient or acceptable.

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IT IS SO STIPULATED.

DATED: December 4, 2020

GREENBERG TRAURIG, LLP

By /s/ Anna Yeung

Anna Yeung

Sara K. Thompson

Attorneys for Defendants

MEDTRONIC, INC., MEDTRONIC USA, INC.,

MEDTRONIC PUERTO RICO OPERATIONS, CO.,

and MEDTRONIC LOGISTICS, LLC

DATED: December 4, 2020

MARTIN BAUGHMAN, PLLC

VAN WEY LAW, PLLC

By /s/ Laura J. Baughman

Laura J. Baughman

Ellen A. Presby

Attorneys for Plaintiff

NANCY KILMER

ORDER

The Court, having reviewed the Stipulation of the Parties and finding good cause, hereby orders the hearing on Defendants Medtronic, Inc., Medtronic USA, Inc., Medtronic Puerto Rico Operations Co., and Medtronic Logistics, LLC (“Medtronic”) Motion to Dismiss be continued to January 11, 2021 at 1:30 p.m. in Courtroom 2. Medtronic is to file its reply brief on or before December 14, 2020.

IT IS SO ORDERED.

Dated: December 4, 2020



SENIOR DISTRICT JUDGE